

REMARKS

Claim 1 has been objected to due to informalities. Claim 1 has been amended accordingly.

Claims 1-2 and 5-9 have been rejected under 35 USC 103(a) as unpatentable over Akatsu in view of Seidl. The rejection is respectfully traversed, as Seidl is not prior art. More specifically, Seidl has an effective filing date of January 28, 2004. The instant invention, on the other hand, was invented prior to January 28, 2004, as evidenced by the attached 1.131 declaration. The declaration states that the "invention claimed in the subject application was completed prior to the January 28, 2004 filing date of the Seidl et al. reference (US 2005/0037565 A1). Please be advised that the invention report for this invention was made on August 27, 2003. A copy of the INTA Invention Disclosure form stamped August 28, 2003, is enclosed for your convenience." Since the invention was conceived on August 27, 2003, and reduced to practice as evidenced by the constructive filing on March 30, 2004, with the appropriate due diligence, the Seidl reference is not proper prior art, and the rejection should be withdrawn.

Claims 3 and 4 have been rejected under 35 USC 103(a) as unpatentable over Akatsu and Seidl, further in view of Chen. The rejection is respectfully traversed for the same reasons presented in the arguments above.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Application No.: 10/812,412

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Docket No.: 543822005300

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 543822005300.

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Respectfully submitted,

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